

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

David DeLange and Emiko Horne,

Complainants,

vs.

Southern California Edison Company (U-338-E.),

Defendant.

Case 12-12-023
(Filed December 27, 2012)

David DeLange and Emiko Horne, Complainants.

Prabha Cadambi, for Southern California Edison Company,
Defendant.**DECISION DENYING THE COMPLAINT****1. Summary**

David DeLange and Emiko Horne, (Complainants) allege that Southern California Edison Company (Edison) excessively trimmed four trees adjacent to their property, eliminating the shade-producing canopy and resulting in weaker branches that pose a safety hazard. Complainants request notification before Edison or its contractor conducts any tree trimming activities on or adjacent to their property. Complainants also request that Edison comply with American National Standards Institute A-300 Standards (Parts 1 and 7) for Integrated

Vegetation Management at Utility Rights of Way for future trimming of the trees adjacent to their property.

The request for relief is denied as discussed below.

2. Positions of the Parties

Edison states that on October 2, 2012, an Edison employee reported arcing in a high voltage line near the Complainant's service address at 802 Calle Miramar, Redondo Beach, California. An Edison crew responded to the call and found a partially broken tree limb lying across one phase of the Azulia 4kV line. Edison's tree-trimming contractor, Birchfield Enterprises (Birchfield), was contacted to remove the broken limb. Even though none of the trees was located on Complainant's property,¹ Birchfield claims that it attempted to notify Complainants since the canopy of the trees extended over Complainants property and Birchfield would be trimming the canopy.

Edison states that Complainants were not home at the time of the trimming, but in order to resolve the safety hazard, Birchfield trimmed the trees in accordance with General Order 95, Rules 35 and 37 as modified by Decision (D.) 12-01-032 which states:

Where overhead conductors traverse trees and vegetation, safety and reliability of service demand that certain vegetation management activities be performed in order to establish necessary and reasonable clearances, the minimum clearances set forth in Table 1, Case 13 and 14, measured between line conductors and vegetation under normal conditions shall be maintained.

¹ The trees are on property owned by the City of Torrance.

D.12-01-032 extended the radial clearances from 6.5 feet to 10 feet for any conductor of a line operating at 2,400 kilovolt (kV) or more, but less than 72,000 V. The new pruning requirements have also expanded the required separation of limbs and lines from 18 inches to 4 feet, allowing for side and above line clearance. In addition, all overhanging limbs must be removed and maintained.

Complainants allege that the trimming was not in compliance with the requirements of General Order 95, Rules 35 and 37 Vegetation Management and constituted topping, which results in weaker tree branches that pose a greater safety hazard to pedestrians, motorists and nearby residents. Complainants seek an agreement from Edison that neither Edison nor its vendors will do any tree trimming on or immediately adjacent to their property that is at a distance greater than 10 radial feet from the nearest power line. Complainants also request that Edison give Complainants reasonable prior notice of its intent to engage in any activity on the trees on or immediately contiguous to their property.

Birchfield stated that the initial crown reduction was severe in order to establish a new base level height that would allow Edison to maintain the 4 foot clearance now required by General Order 95, Rules 35 and 37. Edison objects to Complainant's allegation that Birchfield's actions constituted topping. Edison states that an Edison Manager met with the City of Torrance's Public Works Director and its Arborist and both approved the actions taken by Edison's contractor, Birchfield. Additionally, Edison states that since the trees have now been brought into compliance with the new requirements, ongoing maintenance will eliminate the need for such severe canopy reductions in the future.

At the hearing, the Complainants asked that Edison's future trimming of the trees in question comply with approved American National Standards Institute A-300 Standards (Parts 1 and 7) for Integrated Vegetation Management at Utility Rights of Way.

3. Discussion

The trees in question are Silver Dollar Eucalyptus; with potential growth rates of six to ten feet annually. The Eucalyptus trees sit at the edge of a High Fire Designated Zone. The Azulia 4kV line, on which the branch fell, traverses into the Very High Fire Threat Zone area of Ranchos Palos Verde. Complainant and Edison provided pictures of the trees taken before, immediately after, and several months after Birchfield's trimming activities. Despite having been pruned on schedule the previous year, the pictures taken before the trimming show that branches had grown around and substantially above the power lines. The pictures taken immediately after the trimming show the trees with virtually no canopies. A picture of the trees taken several months after the October 2012 trimming indicates new growth of between 8 and 12 inches.

We understand Complainant's concern over the loss of the shade-producing canopy and its reduced visual appeal, but safety is our primary concern. It was an emergency situation involving a broken limb of a highly flammable tree lying over a 4kV line which caused arcing in a High Fire Designated Zone. Birchfield trimmed the trees to eliminate the immediate fire hazard and to comply with the current requirements contained in General Order 97, Rules 35 and 37. Additionally, Edison consulted with the actual owner of the trees, The City of Torrance and its Arborist, who approved of Birchfield's actions.

Edison's access to customers' premises for the purpose of furnishing electric service, which includes vegetation management, is governed by its Rule 16 Tariff. In non-emergency situations Edison is required, when necessary, to make prior arrangements with the customer. In emergency situations Edison is not required to provide notice and more to the point, Edison is not required to notify individuals about activities it intends to perform on property not under the individual's control. For these reasons, Complainants request to be notified before Edison performs any tree pruning activity at its service address is denied.

Complainant's request that we require Edison to conform to the American National Standards Institute A-300 Standards (Parts 1 and 7) for Integrated Vegetation Management at Utility Rights of Way for the Eucalyptus trees adjacent to their property is unreasonable. Granting such a request could lead to every property owner seeking a different standard of vegetation management on their property. That is why the Commission has adopted the standardized vegetation management requirements in General Order 95. Therefore, Complainant's request that Edison conform to vegetation management standards other than those in General Order 95 for the Eucalyptus trees adjacent to their property is denied.

4. Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Linda A. Rochester is the assigned Administrative Law Judge in this proceeding.

IT IS ORDERED that:

1. The relief requested is denied.

2. Case (C.) 12-12-023 is closed.

This order is effective today.

Dated _____, at San Francisco, California.